

## Message Text

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12

ORIGIN EUR-25

INFO OCT-01 ISO-00 SWF-02 AID-20 CEA-02 CIAE-00 COME-00

EB-11 FRB-03 INR-11 NSAE-00 RSC-01 CIEP-03 SP-03

STR-08 TRSE-00 LAB-06 SIL-01 SAM-01 OMB-01 AGR-20 L-03

/122 R

DRAFTED BY EUR/RPE:RHARDING:CC

APPROVED BY EUR/RPE:EHPREEG

STR:BSTEINBOCK

COMMERCE:AWARNER (INFO)

AGRI:WDOERING (INFO)

TREASURY:CARLSON (INFO)

EB/OT/STA:JCRAWFORD

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R 122239Z AUG 74

FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS

INFO AMEMBASSY BONN

UNCLAS STATE 176232

E.O. 11652: N/A

TAGS: ETRD, EEC, US

SUBJECT: EC NOTE ON METRIC STANDARDS OF FILL FOR WINE

1. EC DELEGATION DELIVERED AIDE MEMOIRE AUGUST 12 ON PROPOSED REGULATION CHANGES REGARDING METRIC STANDARDS OF FILL FOR WINE. FOLLOWING IS TEXT:

2. THE DEPARTMENT OF STATE WILL RECALL THAT THE COMMISSION OF THE EUROPEAN COMMUNITIES HAS EXPRESSED ITS CONCERN THAT A SERIOUS OBSTACLE TO TRADE WOULD BE CREATED BY THE PROPOSED CHANGES IN THE LEGISLATIVE REGULATIONS ON STANDARDS OF FILL FOR WINE, IN TITLE 27, PART 4, OF THE CODE OF FEDERAL REGULATIONS.

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3. IF A NEW TECHNICAL BARRIER TO TRADE IS NOT TO BE

CREATED, IT WOULD BE HIGHLY DESIRABLE THAT THE U.S. REGULATIONS BE HARMONIZED WITH THE PRACTICE OF THE EUROPEAN COMMUNITY, WHICH IS A MAJOR PRODUCER AND EXPORTER OF WINES TO THE U.S. THE COMMISSION EXPECTS THAT A DIRECTIVE ON THIS SUBJECT FOR APPLICATION WITHIN THE COMMUNITY, WILL BE APPROVED IN THE NEAR FUTURE. WHEN IT COMES INTO EFFECT, SOME MEMBER STATES WILL HAVE TO RENEW A LARGE PROPORTION OF THEIR BOTTLE "PARK," WITH RESULTING HEAVY DEMANDS ON THEIR GLASS INDUSTRIES.

4. IN RECOGNITION OF THE MAGNITUDE OF THIS AND OTHER TECHNICAL PROBLEMS, THE COMMISSION'S DRAFT DIRECTIVE PROVIDES FOR A TRANSITION PERIOD UNTIL 31 DECEMBER 1980. IT ALSO PROVIDES FOR A PERMANENT DEROGATION FOR WINES BOTTLED BEFORE THE END OF THAT PERIOD, SO THAT STOCKS IN THE HANDS OF GROWERS AND SHIPPERS MAY BE LIQUIDATED WITHOUT DIFFICULTY. SEEN WITH THIS PERSPECTIVE, THE TWO YEAR TRANSITION PERIOD ENVISAGED IN THE U.S. DRAFT REGULATIONS IS MANIFESTLY TOO BRIEF, AND THE COMMISSION WOULD URGE THE U.S. AUTHORITIES TO ALLOW A PERIOD OF AT LEAST FOUR YEARS BEFORE THE DEFINITIVE APPLICATION OF THE REGULATIONS TO IMPORTED WINES.

5. REGARDING THE RANGE OF PERMITTED BOTTLE SIZES, THE COMMISSION WOULD REMIND THE U.S. AUTHORITIES THAT THE 0.70 LITRE BOTTLE IS A RECOGNIZED SIZE IN EUROPE, AND IS LIKELY TO REMAIN SO UNTIL AT LEAST 1980. AT THAT TIME, ITS LONG-TERM FUTURE WILL BE RECONSIDERED. ITS IMPORTANCE IN TRADE WITH THE U.S. MAY BE GAUGED FROM THE FACT THAT IT AMOUNTED TO MORE THAN 25 MILLION BOTTLES IN 1973 ALONE. SO LONG AS THE ULTIMATE FATE OF THE 0.70 LITRE SIZE REMAINS INDETERMINATE, IT WOULD BE DESIRABLE FOR THE U.S. AUTHORITIES TO RETAIN AS MUCH FLEXIBILITY AS POSSIBLE IN THEIR OWN REGULATIONS. IF THEY ARE RESOLVED ON THE EVENTUAL PROHIBITION OF THIS BOTTLE SIZE, THE COMMISSION WOULD URGE THEM TO ALLOW A TRANSITION PERIOD UNTIL AT LEAST 1980, TO MINIMIZE THE EFFECTS OF THIS TRADE BARRIER.

6. REGARDING SMALLER BOTTLE SIZES, THE COMMISSION OBSERVES THAT THE IMPOSITION OF A MINIMUM SIZE OF 0.187 UNCLASSIFIED

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LITRE AS ENVISAGED IN THE U.S. DRAFT REGULATIONS, WOULD DESTROY THE MARKETING CONCEPT OF PRODUCTS EXPORTED FROM THE COMMUNITY TO THE U.S. IN BOTTLES OF 0.1 LITRE. THESE BOTTLES ARE ACCEPTED IN SOME 70 OTHER COUNTRIES. THE COMMISSION REMINDS THE U.S. AUTHORITIES THAT THE EC DRAFT DIRECTIVE INCLUDES DEFINITIVE ADMISSION OF SIZES 0.1, 0.25, AND 0.35 LITRE, AS WELL AS TRANSITIONAL ADMISSION OF 0.2 AND 0.36 LITRE UNTIL 31 DECEMBER 1980.

MINIATURE BOTTLES OF 0.05 LITRE ALSO REPRESENT  
SUBSTANTIAL TRADE BETWEEN THE COMMUNITY AND THE U.S.,  
MAINLY FOR SALE IN AIRCRAFT, TRAINS, SHIPS, BARS AND  
DISPENSERS. THIS TRADE ALSO WOULD BE DAMAGED IF THE U.S.  
DRAFT REGULATIONS ARE ADOPTED AS THEY STAND.

7. THE COMMISSION HOPES THAT THE U.S. AUTHORITIES  
WILL BE ABLE TO ADAPT THEIR DRAFT REGULATIONS TO MEET  
THESE CONCERNS. END TEXT.

8. DEPARTMENT OFFICERS ASSURED EC DELEGATION THAT NOTE  
WOULD BE FORWARDED TO TREASURY IMMEDIATELY. KISSINGER

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